

EXECUTIVE COUNCIL OF IOWA

MINUTES

NOVEMBER 19, 2018

The Executive Council met in regular session at 10:00 a.m. in Room G09 of the Capitol Building with Governor Kim Reynolds presiding. Secretary Paul Pate, Auditor of State Mary Mosiman, Treasurer of State Michael Fitzgerald (via telephone) and Secretary of Agriculture Michael Naig (via telephone) were present.

Regular Session
November 19,
2018

Moved by Auditor Mosiman and seconded by Secretary Pate that the Council approve the minutes of the Executive Council meeting held October 29, 2018.

Minutes Approved

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| The vote: | Ayes: | Governor Reynolds Secretary Pate Auditor Mosiman Treasurer Fitzgerald Secretary Naig |
| | Nays: | None |

Harry Rossander, Department of Human Services was present to request Resolution of Funds in the amount of \$90,000.00 pursuant to Iowa Code §29C.20A with regard to Governor's Proclamation of a State of Disaster Emergency for Henry, Muscatine and Washington Counties.

Personal
Appearance

Moved by Auditor Mosiman and seconded by Secretary Pate that the Executive Council approve the request.

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| The vote: | Ayes: | Governor Reynolds Secretary Pate Auditor Mosiman Treasurer Fitzgerald Secretary Naig |
| | Nays: | None |

Harry Rossander, Department of Human Services was present to request additional Resolution of Funds in the amount of \$25,000.00 pursuant to Iowa Code §29C.20A with regard to Governor's Proclamation of a State of Disaster Emergency for Allamakee, Bremer, Chickasaw, Cerro Gordo, Floyd, Howard and Winneshiek Counties.

Moved by Secretary Pate and seconded by Auditor Mosiman that the Executive Council approve the request.

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| The vote: | Ayes: | Governor Reynolds Secretary Pate Auditor Mosiman Treasurer Fitzgerald Secretary Naig |
| | Nays: | None |

Moved by Treasurer Fitzgerald and seconded by Auditor Mosiman that the Council approve the request from the Attorney General's Office for payment of expenses under Iowa Code §7D.10 in the amount of \$20,980.89 for prosecuting cases under Iowa Code chapter 229A.

Approved Payment
for Expenses
Under Iowa Code
§7D.10

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| The vote: | Ayes: | Governor Reynolds Secretary Pate Auditor Mosiman Treasurer Fitzgerald Secretary Naig |
| | Nays: | None |

Moved by Secretary Pate and seconded by Treasurer Fitzgerald that the Council approve the request from the Department of Justice, Attorney General's office as follows:

Approved Outside
Counsel

- A. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Cherie Kreger v. University of Northern Iowa, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

| | |
|-----------|---|
| Firm: | Patterson Law Firm, L.L.P. |
| Attorney: | Ryan Clark 505 5 th Avenue Suite 729 Des Moines, IA 50309 |
| Rate: | \$140.00 Per Hour |

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Kameron Paulus v. Mt. Pleasant Correctional Facility, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
505 5th Avenue
Suite 729
Des Moines, IA 50309
Rate: \$140.00 Per Hour

- C. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Barbara Stevens v. Iowa State University, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
505 5th Avenue
Suite 729
Des Moines, IA 50309
Rate: \$140.00 Per Hour

The vote: Ayes: Governor Reynolds
Secretary Pate
Auditor Mosiman
Treasurer Fitzgerald
Secretary Naig
Nays: None

Moved by Secretary Naig and seconded by Auditor Mosiman that the Council approve the following lease: Approved Leases

- A. Lease between DNR and Bunge North America
Date of Lease: Five years, expiring June 30, 2023
Legal Description: A parcel of Mississippi River bed including approximately 1,000 feet of frontage by 140 feet of depth located at Mississippi River Mile 633.3 in Section 22, Township 75 North, Range 3 West of the 5th P.M. in Clayton County, Iowa.
Purpose: Barge fleeting area for a grain elevator
Annual Fee: \$8,000.00

B. Lease between DNR and Bunge North America

Date of Lease: Five years, expiring June 30, 2023

Legal Description: A portion of Mississippi River with approximately 1,500 feet of frontage at river mile 633.3 in Section 27, Township 75 North, Range 3 West of the 5th P.M. in Clayton County, Iowa.

Purpose: Barge fleeting area for a grain elevator

Annual Fee: \$13,945.00

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Mosiman
 Treasurer Fitzgerald
 Secretary Naig
 Nays: None

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the requests as follows:

Approved
Emergency
Allocations

- A. Board of Regents – University of Iowa is requesting an emergency allocation and reimbursement in the amount of \$6,716.75. On November 27, 2017 a fire damaged flooring and the living area at Tamisiea Cottage Lakeside Laboratory in Milford, Iowa. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- B. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$756.69. This will increase the total allocation to \$14,350.52. On February 12, 2018 ICN sustained cable damage due to rodent chews along Caves Road in Jackson County. Request was to cover repair costs.
- C. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$2,332.34. This will increase the total allocation to \$14,560.00. On July 17, 2018 ICN sustained cable damage due to erosion along Harrison Avenue near Rock Rapids. Request was to cover repair costs.
- D. Iowa Communications Network is requesting an emergency allocation in the amount of \$33,845.22. On September 25, 2018 ICN sustained cable damage due to erosion along Interstate 80 at Sugar Creek in Cedar County. Request was to cover repair costs.
- E. Iowa Communications Network is requesting an emergency allocation in the amount of \$27,363.91. On October 2, 2018 ICN sustained cable damage due to erosion along Highway 13 in Clayton County. Request was to cover repair costs.

- F. Iowa Communications Network is requesting an emergency allocation in the amount of \$16,470.45. On October 3, 2018 ICN sustained cable damage due to erosion along Highway 4 in Emmet County. Request was to cover repair costs.
- G. Department of Public Safety is requesting an emergency allocation in the amount of \$3,527.63. On August 24, 2018 State Patrol Vehicles #381 and #180 was damaged by hail in Cerro Gordo County. Request was to cover repair costs.
- H. Department of Public Safety is requesting an emergency allocation in the amount of \$6,012.35. On September 1, 2018 State Patrol Vehicle #32 was damaged by a deer in Crawford County. Request was to cover repair costs.
- I. Department of Public Safety is requesting an emergency allocation in the amount of \$4,281.41. On September 23, 2018 State Patrol Vehicle #387 was damaged by a deer on 520th Avenue in Monroe County. Request was to cover repair costs.
- J. Department of Public Safety is requesting an emergency allocation in the amount of \$2,995.04. On October 1, 2018 State Patrol Vehicle #298 was damaged by a raccoon in Clayton County. Request was to cover repair costs.
- K. Department of Public Safety is requesting an emergency allocation in the amount of \$6,305.66. On October 2, 2018 State Patrol Vehicle #34 was damaged by a deer on Highway 28 in Warren County. Request was to cover repair costs.
- L. Department of Public Safety is requesting an emergency allocation and reimbursement in the amount of \$9,591.44. On August 16, 2018 and September 6, 2018 State Patrol Vehicle #105233 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- M. Department of Public Safety is requesting an emergency allocation in the amount of \$5,639.95. On October 18, 2018 State Patrol Vehicle #278 was damaged by a deer on Highway 30 in Linn County. Request was to cover repair costs.
- N. Department of Natural Resources is requesting an emergency allocation in the amount of \$69,050.00. On July 19, 2017 a storm caused damage to Pikes Peak State Park. Request was to cover repair costs. The State Auditor's Office has reviewed request and recommends allocation, in the amount of \$26,100.00 as the DNR has entered into a timber sale contract with a vendor that will harvest the storm damaged trees for \$42,950.00.
- O. Department of Administrative Services is requesting an emergency allocation in the amount of \$489,264.24. On June 25, 2018 and June 30, 2018 heavy rains caused flooding and damage on the Capitol Complex. Request was to cover repair costs.

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Mosiman
 Treasurer Fitzgerald
 Secretary Naig
 Nays: None

Moved by Secretary Pate and seconded by Treasurer Fitzgerald that the Council approve the following cost items:

Approved
 Payment of Cost
 Items (1 of 2)

- A. Iowa Communications Network\$3,626.11
 On February 23, 2018 a cable was damaged due to rodent chews along Highway 6 in Winneshiek County. Request was to cover repair costs. This represents full and final payment, \$7,778.64 will be reverted and this allocation closed.
- B. Iowa Communications Network\$24,711.60
 On July 16, 2018 ICN sustained cable damage due to erosion along Interstate 380 in Johnson County. Request was to cover repair costs. This represents full and final payment and this allocation closed
- C. Board of Regents – University of Northern Iowa.....\$3,183.95
 On June 15, 2017 hail caused damage on UNI Campus involving Bartlett Hall Roof, Numerous Condensers and a Medical Chiller. Request was to cover repair costs. This represents full and final payment, \$7,990.50 will be reverted and this allocation closed.
- D. Department of Cultural Affairs.....\$10,504.84
 On August 30, 2018 there was damage to the HVAC system due to a theft at Western Historic Trails Center in Council Bluffs. Request was to cover repair costs. This represents full and final payment and this allocation closed
- E. Department of Natural Resources\$4,919.40
 Drainage taxes for the following counties:

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|------------|------------|
| Des Moines | \$484.00 |
| Emmet | \$31.00 |
| Greene | \$19.90 |
| Louisa | \$1,784.00 |
| Monona | 231.50 |
| Muscatine | \$132.00 |
| Palo Alto | \$2,237.00 |

- F. Simmons Perrine Moyer Bergman PLC.....\$300.00
 115 Third Street SE, Suite 1200
 Cedar Rapids, IA 52402
Tobacco Settlement Authority
- G. Foley & Lardner, LLP.....\$3,992.00
 321 North Clark Street
 West Des Moines, IA 50265
Legal Advice to OCIO
- H. Foley & Lardner, LLP.....\$1,896.20
 321 North Clark Street
 West Des Moines, IA 50265
Legal Advice to OCIO
- I. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$1,276.00
 The Davis Brown Tower
 215 10th Street, Suite 1300
 Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees
- J. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$100.80
 The Davis Brown Tower
 215 10th Street, Suite 1300
 Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees
- K. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$50.40
 The Davis Brown Tower
 215 10th Street, Suite 1300
 Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees
- L. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$63.00
 The Davis Brown Tower
 215 10th Street, Suite 1300
 Des Moines, IA 50309-3993
Special Counsel for Copyright, Trademark & Patent Issues

- M. Barnes & Thornburg LLP.....\$475.00
One North Wacker Drive, Suite 4400
Chicago, IL 60606
Peregrine Financial Group (PFG) Bankruptcy
- N. Gray Miller Persh, LLP.....\$458.70
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036
Iowa Public Television
- O. Gray Miller Persh, LLP.....\$834.00
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036
Iowa Public Television
- P. Richard J. Bennett, Sr.....\$4,446.00
PO Box 65666
West Des Moines, IA 50265
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office
- Q. Patterson Law Firm L.L.P.....\$78.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Rory Aschbrenner vs. Iowa State University, State of Iowa and Second Injury Fund of Iowa
- R. Patterson Law Firm L.L.P.....\$552.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Reginald Van Dusseldorp vs. Newton Correctional Facility, State of Iowa and Second Injury Fund of Iowa
- S. Patterson Law Firm L.L.P.....\$624.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Mark Alan Plueger v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa

- T. Patterson Law Firm L.L.P.....\$156.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Joshua Garringer v. University of Iowa, State of Iowa and Second Injury Fund of Iowa
- U. Patterson Law Firm L.L.P.....\$24.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Mary Kimball v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa
- V. Patterson Law Firm L.L.P.....\$576.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Mark Ostring v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa
- W. Patterson Law Firm L.L.P.....\$176.84
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
James Conwell v. University of Iowa Hospitals and Clinics, State of Iowa and Second Injury
- X. Patterson Law Firm L.L.P.....\$60.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Steven Porter v. Iowa State Fair, State of Iowa and Second Injury Fund of Iowa
- Y. Patterson Law Firm L.L.P.....\$144.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Myra Ball v. Iowa Insurance Division, State of Iowa and Second Injury Fund of Iowa

Z. Patterson Law Firm L.L.P.....\$84.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
James Brundies v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa

AA. Patterson Law Firm L.L.P.....\$408.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Jeffrey M. Skaggs v. Newton Correctional Facility, State of Iowa and Second Injury Fund of Iowa

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Mosiman
 Treasurer Fitzgerald
 Secretary Naig
 Nays: None

Moved by Auditor Mosiman and seconded by Secretary Pate that the Council approve the following cost items:

Approved
Payment of Cost
Items (2 of 2)

A. LaMarca & Landry, P.C.....\$16,635.13
1820 N.W. 118th Street, Suite 200
Des Moines, IA 50325
Godfrey v. State of Iowa et al, civil rights complaint

B. LaMarca & Landry, P.C..... \$1,352.69
1820 N.W. 118th Street, Suite 200
Des Moines, IA 50325
Godfrey v. State of Iowa et al, civil rights complaint

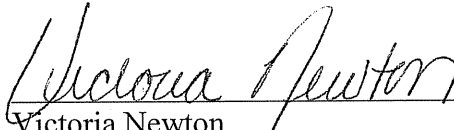
C. LaMarca & Landry, P.C..... \$79.50
1820 N.W. 118th Street, Suite 200
Des Moines, IA 50325
Godfrey v. State of Iowa et al, civil rights complaint

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Mosiman
 Secretary Naig
 Nays: Treasurer Fitzgerald

Moved by Auditor Mosiman and seconded by Secretary Pate that the meeting adjourn.
The meeting was adjourned at 10:05 a.m.

Meeting adjourned

Respectfully submitted,


Victoria Newton
Executive Secretary